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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,042	01/22/2002	Eiichi Sano	218264US3	1730
22850	7590	10/13/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 10/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,042

Applicant(s)

SANO ET AL.

Examiner

Elizabeth M. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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1. Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 17 and 18, the claimed structure cannot be fully understood. The limitation "said reinforcement layer has stretched tapes which are served said stretch<sup>ed</sup> film in a stretched direction" cannot be understood as written. cc

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrusko, U.S. Patent NO. 5,182,162 in view of Stover, U.S. Patent No. 5,208,098. Andrusko discloses a multilayer laminate which may comprise a porous or impervious center film layer, (col. 15, lines 55-60), a first layer nonwoven fabric comprising continuous fibers which are extruded and collected on a collecting surface, (col. 8, lines 41-52), which corresponds to the claimed spunbonded fabric and which is disposed on a first side of the central layer, and a second layer disposed on the second side of the central layer which comprises a stretched net-like, (i.e., reticulated), film. The stretched fibrillated films may be cross-laminated. See col. 6, line 17-col. 8, line 31. The stretched net-like films have a thickness of .3-about 20 mils. See col. 7, lines 8-11. The stretched net-like films may have a basis weight of about 28 grams per square meter. See example 1. The nonwoven fabric may be made from polypropylene. See col. 10, lines 51-59. The nonwoven may comprise a UV stabilizer. See col. 11, line 24. With

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regard to the new claims 19-23, Andrusko discloses bonding the layers using a calendar roll, See examples. Andrusko does not disclose the exact parameters regarding which layers are facing which rolls, however, Andrusko teaches at col. 13, line 21-col. 14, line 30, that the various parameters such as temperatures, pressures and other process parameters could be varied to achieve the desired results. Further, since the instant claims are drawn to the product, the burden is shifted to Applicant to show that the various process limitations result in an unobvious difference in the product. Further, Stover teaches that both patterned and non patterned rolls can be used to bond film/spunbonded laminates. See col. 14, lines 3-68. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected the particular parameters and rolls used in to bond the laminate through the process of routine experimentation to optimize the strength and type of texture, etc., desired in the finished product. Andrusko differs from the claimed invention because Andrusko does not specifically disclose a liquid impermeable, vapor permeable film, although Andrusko does disclose employing either pervious or impervious films. Stover teaches that vapor permeable, liquid impermeable films wherein the WVTR of the film is 1500-5000 grams per square meter per day. Stover teaches that such films are useful in forming a wide variety of products including housewraps, roofing underlayments, car covers, etc. See col. 3, lines 20-33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the film of Stover as the central layer in the laminate of Andrusko. One of ordinary skill in the art would have been motivated to employ the film of Stover because both Andrusko and

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Stover are in the same field of endeavor and in order to obtain the benefits of a film which allowed vapor to pass through it while remaining resistant to liquids.

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

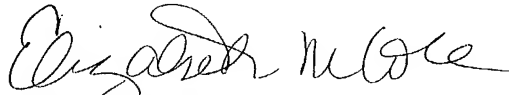
Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.

A handwritten signature in cursive script, appearing to read "Elizabeth M. Cole".

Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c